

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNIVERSITY OF PITTSBURGH, )  
Plaintiff, )  
 )  
v. ) No. 3:04-CV-291  
 ) (Phillips/Shirley)  
DAVID W. TOWNSEND, et al., )  
Defendants )

**ORDER**

This matter came before the court for a status conference on September 21, 2005. In light of the pending *Daubert* motions and pending dispositive motions, it appears to the court that this case will not be ready for trial on November 27, 2005. Counsel for the parties concurred, and stated to the court that the parties desired to enter mediation prior to trial in this case.

Local Rule 16.4 provides that “with or without agreement of the parties in any civil action . . . the court may refer all of part of the underlying dispute to mediation pursuant to this local rule.” The court finds that this is an appropriate case for mediation. Accordingly, it is **ORDERED** that this case shall be submitted to mediation. The parties shall notify the court within two weeks from the date of this order the identity of the mediator who will conduct the mediation, and of the date, time, and place for the mediation. Upon the conclusion of the mediation, the parties shall immediately notify the court whether the

mediation was successful or unsuccessful, in which event, the matter will be placed back on the court's docket.

The final pretrial conference scheduled for November 20, 2006, and the trial scheduled for November 27, 2006 are **CANCELLED**.

The following motions will be held in abeyance pending mediation of this case: (1) CTI's motion for summary judgment [Doc. 50]; (2) Ronald Nutt's motion for summary judgment [Doc. 51]; (3) David Townsend's motion for summary judgment [Doc. 53]; (4) University of Pittsburgh's motion for partial summary judgment [Doc. 56]; (5) CTI's motion in limine to exclude the testimony of Robert Wooldridge [Doc. 77]; (6) CTI's motion in limine to exclude the testimony of Thomas Lewellen [Doc. 79]; (7) CTI's motion in limine to exclude the testimony of Mark Gleason [Doc. 81]; and (8) CTI's motion in limine to exclude expert testimony based on spoliation of evidence [Doc. 84].

**IT IS SO ORDERED.**

**ENTER:**

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s/ Thomas W. Phillips  
United States District Judge